

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

22-CA-246968

Date Filed

AUG 21, 2019

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

GMP Contracting, LLC

b. Tel. No.

(908) 966-1641

c. Cell No.

(908) 966-1641

f. Fax No.

d. Address (Street, city, state, and ZIP code)

295 South Plainfield

NJ South Plainfield 07080-____

e. Employer Representative

Joseph Porchetta

Owner

g. e-Mail

h. Number of workers employed

2

i. Type of Establishment (factory, mine, wholesaler, etc.)

Construction

j. Identify principal product or service

Construction

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Ken Riley

Title:

International Union of Operating Engineers, Local 825

4a. Address (Street and number, city, state, and ZIP code)

65 Springfield Avenue

NJ Springfield 07085-____

4b. Tel. No.

(609) 256-0657

4c. Cell No.

(609) 256-0657

4d. Fax No.

4e. e-Mail

kriley@iuoe825.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Lauren Bonaguro

(signature of representative or person making charge)

Lauren Bonaguro

Title: Attorney

(Print/type name and title or office, if any)

Tel. No.

(646) 210-0132

Office, if any, Cell No.

(646) 210-0132

Fax No.

e-Mail

lbonaguro@decotiislaw.com

500 Frank W Burr Boulevard

Address Teaneck NJ 07666-____

08/21/2019 15:46:04

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(3)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2019

8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2019

8(a)(3)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	discharge	(b) (6), (b) (7)(C) 2019

8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by threatening to retaliate against employees if they joined or supported a union.

Name of Employer's Agent/Representative who made the statement	Approximate date
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2019



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 22
20 WASHINGTON PL
FL 5
NEWARK, NJ 07102-3127

Agency Website: www.nlr.gov
Telephone: (973)645-2100
Fax: (973)645-3852



Download
NLRB
Mobile App

August 22, 2019

Joseph Porchetta, Owner
GMP Contracting, LLC
295 South Plainfield
South Plainfield, NJ 07080-_____

Re: GMP Contracting, LLC
Case 22-CA-246968

Dear Porchetta:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Attorney CHEVELLA BROWN-MAYNOR whose telephone number is (862)229-7042. If this Board agent is not available, you may contact Supervisory LAURA ELRASHEDY whose telephone number is (862)229-7049.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "David E. Leach III". The signature is fluid and cursive, with a large initial "D" and "L".

DAVID E. LEACH III
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

GMP CONTRACTING, LLC

Charged Party

and

**INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 825**

Charging Party

Case 22-CA-246968

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on August 22, 2019, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Joseph Porchetta, Owner
GMP Contracting, LLC
295 South Plainfield
South Plainfield, NJ 07080-_____

August 22, 2019

Date

Enter NAME, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 22
20 WASHINGTON PL
FL 5
NEWARK, NJ 07102-3127

Agency Website: www.nlrb.gov
Telephone: (973)645-2100
Fax: (973)645-3852

January 9, 2020

Kurt B. Rose, Esq.
Russell J. McEwan, Esq.
Littler Mendelson, P.C.
One Newark Center, 8th Floor
Newark, NJ 07102

Tyler A. Sims, Esq.
Littler Employment & Labor Law Solutions Worldwide
One Newark Center, 8th Floor
Newark, NJ 07102

Re: GMP Contracting, LLC
Case 22-CA-246968

Dear Mr. Rose, Mr. McEwan, and Mr. Sims:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ David E. Leach III

David E. Leach III
Regional Director

cc: Joseph Porchetta, Owner
GMP Contracting, LLC
295 South Plainfield
South Plainfield, NJ 07080

Ken Riley
International Union of Operating
Engineers, Local 825
65 Springfield Avenue
Springfield, NJ 07085

Lauren Bonaguro, Esq.
DeCotiis Fitzpatrick Cole & Giblin
500 Frank W Burr Boulevard
Teaneck, NJ 07666



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 22
20 WASHINGTON PL
FL 5
NEWARK, NJ 07102-3127

Agency Website: www.nlr.gov
Telephone: (973)645-2100
Fax: (973)645-3852



Download
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December 31, 2019

Ken Riley
International Union of Operating Engineers, Local 825
65 Springfield Avenue
Springfield, NJ 07085

Re: GMP Contracting, LLC
Case 22-CA-253984

Dear Mr. Riley:

The charge that you filed in this case on December 31, 2019 has been docketed as case number 22-CA-253984. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Attorney CHEVELLA BROWN-MAYNOR whose telephone number is (862)229-7042. If this Board agent is not available, you may contact Supervisory LAURA ELRASHEDY whose telephone number is (862)229-7049.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "David E. Leach III". The signature is written in a cursive style with a large, sweeping initial "D".

DAVID E. LEACH III
Regional Director

cc: Lauren Bonaguro, ESQ., Attorney
DeCotiis, Fitzpatrick, Cole, & Giblin LLP
61 S. Paramus, Suite 250
Paramus, NJ 07652

NATIONAL LABOR RELATIONS BOARD

SETTLEMENT AGREEMENT

IN THE MATTER OF

GMP Contracting, LLC

Case 22-CA-253984

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:

POSTING AND MAILING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English, Spanish and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in prominent places around its facility, including all places where the Charged Party normally posts notices to employees. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting. The Charged Party will also copy and mail, at its own expense, a copy of the attached Notice to all current employees and former employees who were employed on August 13, 2019 through August 19, 2019 and worked on the job site in Towaco, New Jersey. Those Notices will be signed by a responsible official of the Charged Party and show the date of mailing. The Charged Party will provide the Regional Director written confirmation of the date of mailing and a list of names and addresses of employees to whom the Notices were mailed.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

BACKPAY — Within 14 days from approval of this agreement, the Charged Party will make whole the employee named below by payment to him in the amount opposite his name. The Charged Party will make appropriate withholdings for the named employee. The Charged Party is responsible for its share of FICA and acknowledges that per IRS guidelines, federal tax withholdings should not exceed twenty-five percent. No withholdings should be made from the interest portion of the backpay. The Charged Party will also file a report to the Regional Director allocating payment(s) to the appropriate calendar year.

	<u>Backpay</u>	<u>Interest</u>
(b) (6), (b) (7)(C)	\$3,230.00	\$67.00

NON-ADMISSION CLAUSE — By entering into this Settlement Agreement, the Charged Party does not admit that it has violated the National Labor Relations Act.


SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

Charging Party Initials _____

Charged Party Initials  _____Supervisor Initials  _____

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes 
Initials

No _____
Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will issue a Complaint that includes the allegations covered by the Notice to Employees, as identified above in the Scope of Agreement section, as well as filing and service of the charge(s), commerce facts necessary to establish Board jurisdiction, labor organization status, appropriate bargaining unit (if applicable), and any other allegations the General Counsel would ordinarily plead to establish the unfair labor practices.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

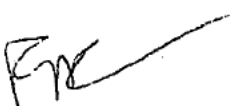
Charging Party Initials _____


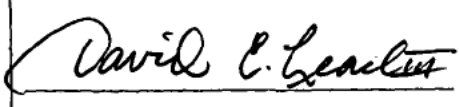
Charged Party Initials



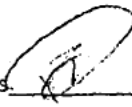
Supervisor Initials




Charged Party		Charging Party	
GMP Contracting, LLC		International Union of Operating Engineers, Local 825	
By:	Name and Title	Date	
		11/21/20	
Print Name and Title below		Print Name and Title below	
Russell J. McEwen, Esq.			
Counsel to GMP Contracting, LLC			

Recommended By:	Date	Approved By:	Date
	2/5/20		2/5/2020
CHEVELLA BROWN-MAYNOR		DAVID E. LEACH III	
Attorney		Regional Director, Region 22	

Charging Party Initials _____

Charged Party Initials  _____

Supervisor Initials  _____

(To be printed and posted on official Board notice form)

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT ask you about taking the International Union of Operating Engineers, Local 825's (herein the Union) skills test or about your support for the Union.

WE WILL NOT threaten you with unspecified reprisals if you choose to be represented by or support the Union or any other union.

WE WILL NOT discharge you because of your union membership or support.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL pay (b) (6), (b) (7)(C) for the wages and other benefits (b) (6) lost because we discharged (b) (6).

WE WILL remove from our files all references to the discharge of (b) (6), (b) (7)(C) and **WE WILL** notify (b) (6) in writing that this has been done and that the discharge will not be used against (b) (6) in any way.

WE HAVE been informed that (b) (6), (b) (7)(C) waived (b) (6) right to an offer of full reinstatement to (b) (6) former job.

GMP Contracting, LLC

(Employer)

Dated:

1/30/20

By:

T. P. Sin
(Representative)

COUNSEL
(Title)

Charging Party Initials _____

Charged Party Initials _____

Supervisor Initials _____

[Signature]

[Signature]

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/tty> (link is external), calling one of its toll free numbers and asking its Communications Assistant to call our toll free number at 1-844-762-NLRB.

20 WASHINGTON PL
FL 5
NEWARK, NJ 07102-3127

Telephone: (973)645-2100
Hours of Operation: 8:30 a.m. to 5 p.m.

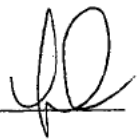
THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

Charging Party Initials _____

Charged Party Initials _____

Supervisor Initials _____



UNITED STATES GOVERNMENT

NATIONAL LABOR RELATIONS BOARD

SETTLEMENT AGREEMENT

IN THE MATTER OF

GMP Contracting, LLC

Case 22-CA-253984

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	<u>Backpay</u>	<u>Interest</u>
(b) (6), (b) (7)(C)	\$3,230.00	\$67.00

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Charging Party Initials

KY

Charged Party Initials

Supervisor Initials



RD

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Supervisor Initials

Charged Party			Charging Party		
GMP Contracting, LLC			International Union of Operating Engineers, Local 825		
By:	Name and Title	Date	By:	Name and Title	Date
				Kevin C. Young	2/3/2020
Print Name and Title below			Print Name and Title below		
			IUE Local 825 B.R.		

Recommended By:		Date		Approved By:		Date	
		2/3/20				2/5/2020	
CHEVELLA BROWN-MAYNOR				DAVID E. LEACH III			
Attorney				Regional Director, Region 22			

Charging Party Initials KY

Charged Party Initials _____

Supervisor Initials 

(To be printed and posted on official Board notice form)

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT ask you about taking the International Union of Operating Engineers, Local 825's (herein the Union) skills test or about your support for the Union.

WE WILL NOT threaten you with unspecified reprisals if you choose to be represented by or support the Union or any other union.

WE WILL NOT discharge you because of your union membership or support.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL pay (b) (6), (b) (7)(C) for the wages and other benefits (b) (6) lost because we discharged (b) (6).

WE WILL remove from our files all references to the discharge of (b) (6), (b) (7)(C) and **WE WILL** notify (b) (6) in writing that this has been done and that the discharge will not be used against (b) (6) in any way.

WE HAVE been informed that (b) (6), (b) (7)(C) waived (b) (6) right to an offer of full reinstatement to (b) (6) former job.

GMP Contracting, LLC

(Employer)

Dated:

By:

(Representative)

(Title)

Charging Party Initials

KY

Charged Party Initials

Supervisor Initials



The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/tty> (link is external), calling one of its toll free numbers and asking its Communications Assistant to call our toll free number at 1-844-762-NLRB.

20 WASHINGTON PL
FL 5
NEWARK, NJ 07102-3127

Telephone: (973)645-2100
Hours of Operation: 8:30 a.m. to 5 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

Charging Party Initials KY Charged Party Initials _____ Supervisor Initials _____



NOTICE TO EMPLOYEES



POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD

AN AGENCY OF THE UNITED STATES GOVERNMENT
THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT ask you about taking the International Union of Operating Engineers, Local 825's (herein the Union) skills test or about your support for the Union.

WE WILL NOT threaten you with unspecified reprisals if you choose to be represented by or support the Union or any other union.

WE WILL NOT discharge you because of your union membership or support.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL pay (b) (6), (b) (7)(C) for the wages and other benefits (b) (6) lost because we discharged (b) (6), (b) (7)(C).

WE WILL remove from our files all references to the discharge of (b) (6), (b) (7)(C) and **WE WILL** notify (b) (6), (b) (7)(C) in writing that this has been done and that the discharge will not be used against (b) (6), (b) (7)(C) in any way.

WE HAVE been informed that (b) (6), (b) (7)(C) waived (b) (6), (b) (7)(C) right to an offer of full reinstatement to (b) (6), (b) (7)(C) former job.

GMP Contracting, LLC

(Employer)

Dated:

By:

(Representative)

(Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov and the toll-free number (844) 762-NLRB (6572).

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer,



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 22
20 WASHINGTON PL
FL 5
NEWARK, NJ 07102-3127

Agency Website: www.nlrb.gov
Telephone: (973)645-2100
Fax: (973)645-3852

May 7, 2020

RUSSELL J. MCEWAN, ESQ.
LITTLER MENDELSON, P.C.
ONE NEWARK CENTER, 8TH FL
NEWARK, NJ 07102

GMP Contracting, LLC
Case 22-CA-253984

Dear Mr. McEwan:

The above-captioned case has been closed on compliance. Please note that the closing is conditioned upon continued observance of the informal Settlement Agreement.

Very truly yours,

David E. Leach III
Regional Director

cc: JOSEPH PORCHETTA, OWNER
GMP CONTRACTING, LLC
2240 SOUTH CLINTON AVE
SOUTH PLAINFIELD, NJ 07080

KEN RILEY
INTERNATIONAL UNION OF
OPERATING ENGINEERS, LOCAL 825
65 SPRINGFIELD AVE
SPRINGFIELD, NJ 07085